

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SWD- PSs – Allegations against Gazetted and Non- Gazetted Officers of the O/o. Dy. Director (SW), Hyderabad regarding misappropriation of Government funds by way of sanction of Scholarships / Special Fees to fictitious S.C. students in three Degree Colleges of the Hyderabad District for the years 1984-85 to 1986-87 – Disciplinary action against Smt. S.Niranjani, formerly Matron Govt. SC Girls College Hostel, Nimboliadda now Retired - A.P.A.T. Order dt. 18-8-2004 in O.A.No.5690/99 and orders dated.24.6.2007 in CA No. 35/2005 in OA No. 5690/99 filed by Smt. S.Niranjani, H.W.O.(Retd) – Sanction of all retiral benefits without prejudice to the departmental and Criminal action pending in the case – Orders - Issued.

=====

SOCIAL WELFARE (SER.III) DEPARTMENT

G.O.Rt. No. 809

dated.03-12-2009.

Read the following:

1. C.S.W., A.P.,Hyd.Memo No. A2/10538/88-6,dated.28-05-1994 & 17-3-1997.
2. Order of A.P.A.T., in O.A. No. 5690/ 1999, dated.18-08-2004 filed by Smt.S. Niranjani
3. Judgment of Hon'ble High Court of A.P in W.P. No. 3663/2006 dated. 18-6-2007.
4. Letter. No. 2108/C26/C7/C16/C12/CID/94, dated. 04-08-2004 of Addl.Director General of Police , CID, A.P., Hyderabad.
5. Lr. C.No.2108/C26/C7/C16/C12/CID/94, dated: 03.05.2006 received from Addl. D.G., C.I.D. A.P. Hyd.
6. Order of the A.P.A.T., in C.A.No.35/2005 in O. A. No. 5690/ 1999 dated. 17-3-2009.
7. Order of the A.P.A.T., in C.A.No.35/2005 in O.A.No.5690/1999, dated.24.06.2009.

The Government have caused a discreet enquiry through the Joint Director (Vigilance), O/o the Commissioner of Social Welfare, and also the Officials of the Vigilance & Enforcement Department, Hyderabad, into the alleged sanction of mess charges, scholarships to non-existing/dropout S.C. students purported to be studying in three Degree Colleges of the twin cities viz., (1) Babu Jagjeevan Ram College, Lakdikapool, (2) Dr. B.R. Ambedkar College, Lingampally; and (3) New Government Degree College, Khairathabad, Hyderabad for the year 1984-85 to 1986-87. The Preliminary Investigation conducted by the Joint Director (Vigilance), O/o the Commissioner of Social Welfare, and the Vigilance & Enforcement Departments, revealed the involvement of (31) Officers, both Gazetted and Non-Gazetted, O/o the Deputy Director (SW), Hyderabad, and are responsible for the alleged sanction of mess charges, scholarships to the fictitious S.C. students resulting in misappropriation of Government funds to a tune of Rs.7,57,957-50 ps. Smt. S. Niranjani, formerly Matron Govt. SC Girls College Hostel, Nimboliadda, now retired, is one among the (31) officers who are responsible for the misappropriation of Govt. funds.

2. In view of the high magnitude and serious nature of the defalcation of Government funds involvement of as many as (31) officials, including Smt. S.Niranjani, formerly HWO, Departmental action was initiated, and the CID was also requested for initiating criminal proceedings. The CID has also registered a case in Crime No.3/94 U/s 120-B, 406, 409, 471 IPC.

3. Sri A.Raghava Reddy, Joint Director (Vigilance), O/o. the Commissioner of Social Welfare, A.P., Hyderabad was appointed as Enquiry officer to conduct regular detailed common enquiry vide G.O.Rt.No.350, Social Welfare (Ser.II) Department, dated 15-09-2003, under Rules 20 and 24(1) of APCS (CCA) Rules, 1991, in respect

(p.t.o)

of serving officers. The Enquiry Officer has submitted the enquiry report to the Government. The Government have examined the report and has decided for conducting further detailed enquiry into the matter. The enquiry was not concluded so far.

4. During the period from 01.04.1984 to 31.3.1987, when Smt. S.Niranjani, was working as Matron in SC Girls College Hostel, Nimboliadda an amount of Rs. 21,960/- was drawn on fictitious names and a Charge Memo. was issued framing of charges against her by the Commissioner of Social Welfare, vide Memo. No. A2/10538/88 dated. 28.5.1994 and Memo. No. A2/10538/88 dt. 17.03.1997. She was placed under suspension on 25.6.1988 by the Collector, Hyderabad along with others and was reinstated into service on 26.08.1989.

5. Smt. S.Niranjani, retired from service on 30.6.1998, on attaining the age of superannuation and her pensionary benefits have not been sanctioned in view of the pending disciplinary case against her. A provisional pension of 75% of Normal Pension was released by the A.G vide Lr. No. P-III/N-1115/SP-604/99-03/257 dt. 15.6.1999.

6. Therefore, Smt. S.Niranjani, Gr.I Matron (Retd) has filed O.A.No.5690/99 before the Hon'ble A.P.A.T. and the A.P.A.T. vide order dt. 18-8-2004, directed to release all pensionary benefits due to the applicant, duly issuing orders for dropping of further action and so regulate the period of suspension as per rules. Aggrieved at these orders the Government have filed W.P.No.13663/06 before the Hon'ble High Court of A.P. The High Court of A.P., while dismissing the W.P., in its order dt. 18-6-2007 ordered that the Tribunal has rightly allowed the application by directing to drop the further proceedings while granting the other benefits as sought by the applicant and that there are no merits in Writ Petition.

7. The A.P.A.T. vide order dated.17-3-2009 in C.A. No.35/05 in O.A. No. 5690/99 directed to comply with the orders of the Tribunal by 8-4-2009.

8. In view of the orders of the High Court dt. 18-6-2007 in W.P.No.13663/06 filed by the state, orders were issued vide G.O.Rt.No.274, dt. 6-4-2009 dropping the charges framed against Smt. S.Niranjani and to continue provisional pension as per rule 9 (4) of A.P.R.P. Rules 1980 since criminal case in Cr.No.3/94 filed by C.B.,C.I.D., is pending against her.

9. The Hon'ble A.P.A.T. vide order dated.24.6.2009 in C.A.No.35/05 in O.A.No.5690/99 has observed that "no charge sheet is filed against the applicant and pension and other benefits were not released to her though she retired from service on 30.6.98. The A.P.A.T. further observed that the applicant retired in the year 1998 and even after lapse of 11 years, pensionary benefits were not released by the respondents by taking some ground or other in spite of the orders of this Tribunal in 2004 and also orders of the Hon'ble High Court in 2007 confirming the orders of the Tribunal. The respondents did not comply with the orders of the Tribunal on one ground or the other for not releasing the pensionary benefits and sticking on the stand that the criminal case is pending. This conduct of the respondents is deprecated and it amounts to flouting of the orders of the Tribunal.

10. The A.P.A.T. therefore directed the respondents to release the pension to the applicant, after deducting the provisional pension already paid and also gratuity and commutation of pension and other attendant benefits if any within a period of 3 weeks from the date of receipt of a copy of this order. The C.A., is accordingly closed.

11. Government after careful examination of the matter in detail, decided to release all the retirement benefits to Smt. S. Niranjani, formerly Matron, Govt. S.C. Girls College Hostel, Nimboliadda, now retired, as ordered by the APAT and also as endorsed by the High Court of Andhra Pradesh, without any prejudice to the departmental and Criminal action pending in the case.

(Contd...3/-)

12. The Commissioner of Social Welfare, Hyderabad shall therefore, take action accordingly within a period of (15) days and submit a report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To

Smt. S.Niranjani, formerly Matron, Govt. SC Girls College Hostel, Nimboliadda, now retired (through the Commissioner of Social Welfare, Hyderabad.)

The Commissioner of Social Welfare, Hyderabad. (with a request to serve a copy of the order on the individual and to return the served copy)

The Collector, Hyderabad District.

Copy to:

the Accountant General, A.P., Hyderabad.

The Pay & Accounts Officer, A.P., Hyderabad.

The Government Pleader for Social Welfare, APAT, Hyderabad.

The Secretary to Vigilance Commissioner, A.P.V.C, Hyderabad.

SF/SCs-2

//FORWARDED::BY ORDER//

SECTION OFFICER.